



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 21 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 9743

Mr. David Harper
Owner
Harper's Marine Service
2598 Marak Court, Unit 6E
Swisher, Iowa 52338

RE: Harper's Marine Service
Swisher, Iowa

Dear Mr. Harper:

Letter of Warning/Request for Information

On September 16, 2015, a representative of the U. S. Environmental Protection Agency attempted to inspect your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA). A copy of the inspection report was sent to you under separate cover.

My staff has reviewed the inspection report and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Edwin G. Buckner, PE, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner, of my staff, at (913) 551-7621 or buckner.edwin@epa.gov.

2105 1 5015
Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Toensing', is written over the printed name.

Donald Toensing
Chief
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Harper's Marine Service
Swisher, Iowa

1. Title 40 Code of Federal Regulations (40 CFR) § 279.22(d) requires generators of used oil, upon detection of a release of used oil to the environment, to stop the release; contain the released used oil; clean up and manage properly the released used oil and other materials; and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. During the inspection, the EPA identified the following instances of used oil spilled on the ground that had not been cleaned up.
 - a. A four feet by seven feet spill was identified immediately in front of the facility's entrance door.
 - b. East of that spill was a two feet by eight feet used oil spill on the ground.
 - c. Further east, on a concrete pad, next to an engine, was a used oil spill approximately four feet diameter.
 - d. Also east of the entrance, a three feet diameter used oil spill was observed on a concrete pad under a boat.
 - e. West of the facility entrance was a two feet by five feet used oil spill on the ground under a boat.

Failure to clean up a used oil spill is a violation of 40 CFR § 279.22(d).

2. Title 40 CFR § 279.22(c)(1) requires generators of used oil to store used oil in containers and tanks labeled with the words "used oil." The inspector observed an oil collection pan $\frac{3}{4}$ full of used oil on the ground under a boat. The pan was not labeled with the words used oil thus violating 40 CFR § 279.22(c)(1).

List of Requested Information
Harper's Marine Service
Swisher, Iowa

1. Demonstrate, through documentation and pictures, each of the used oil spills identified during the September 16, 2015, inspection, have been cleaned up and that the oily debris generated during the cleanup was properly disposed of.
2. Demonstrate, through documentation and pictures, all used oil containers and tanks at the facility are properly labeled with the words "used oil."

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, in accordance with 40 CFR 2.203(b), you must do so by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend that identifies the material with words such as "trade secret," "proprietary," or "company confidential." Please make such claims in a bold, clearly identifiable manner, such that immediately upon viewing the information it is evident that a claim of confidentiality has been made.
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

